IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 15TH MARCH 2007 / 24TH PHALGUNA 1928

WP(C).No. 6694 of 2007(V)

PETITIONER:

G.P. DINESH KUMAR, 5/560, VELS FARM,
ANAGHATTI MEDU, GOVINDAPURAM P.O.,
MODALAMADA VILLAGE, CHITTOOR TALUK,
PALGHAT DISTRICT.

BY ADV. SRI.S.RAMESH BABU

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY THE HOME SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.**
2. **THE INSPECTOR GENERAL OF POLICE, NORTHERN REGION, CALICUT.**
3. **THE DEPUTY INSPECTOR OF POLICE, THRISSUR.**
4. **SUPERINTENDENT OF POLICE, PALGHAT.**
5. **THE SUB INSPECTOR OF POLICE, KOLLANGODE POLICE STATION, PALGHAT.**
6. **V. SUDEVAN, AREA COMMITTEE SECRETARY, C.P.I.(M), PARTY OFFICE, CHITTOOR, PALGHAT.**
7. **N. KANAKAVEL GOUNDER, HIGH YIELD FARM, NEAR SIPCOT, MANAMADURAI, TAMILNADU.**

8. N. SENTHIL VEL GOUNDER,
HIGH YIELDING FARM, NEAR SIPCOT,
MANAMADURAI, TAMILNADU.

9. V.P. NIJAMUDEEN, N.C.P.,
VELLIYACHALA, MOTHALAMADA VILLAGE,
CHITTOOR, PALAGHAT.

10. S.V. SELVAM, MUCHAMKUNDU,
MUDALAMADA VILLAGE, CHITTOR TALUK,
PALAKKAD.

11. KUPPUSWAMI, CHAMANAMPATHY,
MUDALAMADA VILLAGE, CHITTOR TALUK,
PALAKKAD.

12. SATHEESH GOUNDER, VIRGINIA READY
MADE SHOP, NEAR SHAKTHI HOTEL, POLLACHI.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
GOVT.PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).6694/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE SAID LEASE DEED DATED 28.2.2003.

EXT.P2: COPY OF THE JUDGMENT IN O.S.NO.18 OF 2004.

EXT.P3: COPY OF THE LEASE DEED DATED 18.3.2005.

EXT.P4: COPY OF THE POSSESSION CERTIFICATE DATED 17.3.2006.

EXT.P5(A): COPY OF THE REPORT IN THE 'KERALA KAUMUDI' DATED 16.10.2006 IS PRODUCED HEREWITH AND MARKED AS EXT.P5(D).

EXT.P5(B): COPY OF THE REPORT IN THE 'MADHYAMAM' DAILY DATED 13.2.2006.

EXT.P5(C): COPY OF THE REPORT IN THE MATHRUBHUMI DATED 22.10.2006.

EXT.P5(D): COPY OF THE REPORT IN THE 'MADHYAMAM' DAILY DATED 25.12.2006.

EXT.P6: COPY OF THE FIR NO.27/2007.

EXT.P7(A): COPY OF THE REPRESENTATION DATED 8.2.2007.

EXT.P7(B): COPY OF THE REPRESENTATION DATED 18.2.2007.

EXT.P8: COPY OF THE 'MATHRUBHUMI' DATED 10.2.2007.

EXT.P8(A): COPY OF THE 'MADHYAMAM' DATED 23.2.2007.

EXT.P9: COPY OF THE PLAINT O.S.NO.258/2004 DATED 26.5.2004.

EXT.P9(A): COPY OF THE JUDGMENT IN O.S.NO.258/2004 DATED 12.6.2006.

EXT.P10: COPY OF THE PLAINT IN O.S.NO.239/2004 DATED 18.5.2004 OF THE MUNSIFF COURT, CHITTUR.

EXT.P11: COPY OF THE PLAINT IN O.S.NO.271/2005 DATED 13.9.2005.

RESPONDENTS EXHIBITS:

EXT.R7(A): COPY OF THE ORDER IN CRL.M.P.NO.2717/2005 ON THE FILE OF THE COURT OF SESSIONS, PALAKKAD DIVISION DATED 9.9.2005.

W.P.(C).6697/2004

EXT.R7(B): COPY OF THE ORDER IN CRL.M.P.NO.2765/2005 ON THE FILE OF THE COURT OF SESSIONS, PALAKKAD DIVISION DATED 22.9.2005.

EXT.R7(C): COPY OF THE RESIDENTIAL CERTIFICATE DATED 2.2.2007.

EXT.R7(D): COPY OF THE TAX RECEIPT DATED 2.2.2007.

EXT.R7(E): COPY OF THE NEWSPAPER REPORT DATED 10.2.2007.

/TRUE COPY/

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C)No.6694 OF 2007

Dated 15th March, 2007

JUDGMENT

Koshy,J.

This is a petition for police protection. Government Pleader submitted that two criminal cases are pending against the petitioner. Petitioner also filed a criminal complaint. According to the seventh respondent, he is in possession of the disputed property and civil cases are pending. Crimes registered have to be investigated according to law. In a petition under Article 226 of the Constitution of India, we are not deciding the question of title and possession over the property. If the petitioner's rights are obstructed, it is for him to get appropriate orders from the civil court. However, we direct the police to see that law and order is maintained and lives of the petitioner and his family members are not endangered. We also make it clear that investigation in the criminal cases should be conducted strictly according to law and petitioner is free to approach the jurisdictional Magistrate if the investigation is not conducted according to law.

The writ petition is disposed of accordingly.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

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